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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2179	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/766,928

**Applicant(s)**

FUKUOKA ET AL.

**Examiner**

Samir Termanini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **BACKGROUND**

1. This Final Office Action is responsive to communications filed on 10/26/2009.

2. Claims 1-16 are pending. Claims 1 and 15-16 are independent in form. Applicant has Amended Claims 1 and 15-16.

### **RESPONSE TO AMENDMENT**

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection, below.

4. The previous rejections made under 35 U.S.C. 102(b) of claims 1-16 for being anticipated by *Barbara Hayes-Roth et al.* (US 2002/0005865 A1) are hereby withdrawn.

### **CLAIM OBJECTIONS**

5. **Claims 1-14** are objected to because it appears that the broadest reasonable interpretation of Applicant's *system*, according to applicant's Specification, fairly conveys to one of ordinary skill in the art that the claims are independent of any physical machine (e.g., see applicant's specification p.4, ln. 30-32]; "...Furthermore, the present invention is characterized by software for executing the functions of the above-mentioned dialog control system as processing operations of a computer...."). Correction is required.

**CLAIM REJECTIONS-35 U.S.C. § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1–16** are rejected under 35 U.S.C. 102(b) as being anticipated by *Barbara Hayes-Roth et al.* (US 20030028498 A1).

As to independent **claim 1**, *Barbara Hayes-Roth et al.* describe(s): a dialog control system (“The present invention provides a human-like customizable expert agent capable of having personalized conversational interactions with human users. The customizable expert agent combines natural language conversation, animated gestures, general expertise, and subject expertise to create enjoyable and effective online experiences in a variety of contexts,” Abstract), comprising: an input part that interprets input information input (“...Input...,” para. [0279]); a plurality of dialog agents (“...spectrum of agent capabilities and expertise, including for example, agents that have sophisticated capabilities for mixed-initiative natural language conversation, agents whose expertise guides complex interactive logic during multiple or extended interactions with users, and agents that interact with users in characteristically human ways by displaying personalities...,” para. [0040]), each changing a state in accordance with the input information and generating a response (“...Internal agent state flags ...,” para.

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[0273]); a dialog agent control part that communicates with the dialog agents and the input part, and which intermediates between the plurality of dialog agents and the input part ("...Dialogue specifies content for two sequential blocks of Coach output, which are intended to bracket dynamically-generated content based on results obtained from an Assessment Object that precedes the Dialogue in an Assessment Module...", para. [0405]), registers processing capability information indicating input information which each dialog agent is capable of accepting in each state by requesting the processing capability information from one or more of the dialog agents ("...For use as a Universal Adaptor, the present invention could be implemented as a "wrapper" or component for any entity, enabling it to converse with any other entity at whatever level is supported by their respective conversational capabilities...", para. [0786]), manages transmission of the input information, including the responses of the dialog agents ("...Universal Adaptor could have particular kinds of expertise, including both expertise for inter-operating in particular ways with various other entities and expertise enabling it to effectively seek, discover, and realize opportunities for inter-operability...", para. [0787]), to the dialog agents to request respective responses ("...Utilizing a rule based expert training system, these two patents disclosed an intelligent coaching agent (ICA) software for analyzing inputs and outputs to a simulation model and generating feedback based on a set of rules...", para. [0012]), eaeL transmits a response of processing results from the dialog agents to an output part ("...Dialogues define text content used by CAS to generate direct output by the Coach ..., " para. [0668]), and provides a current context agent estimating part that stores information regarding a current context agent that has finally performed a dialog with a user ("...through other gestures or actions displayed or performed by the

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Coach...," para. [0184]), wherein, each dialog agent notifies the dialog agent control part of the processing capability information of the dialog agent according to the state of the dialog agent and wherein when the input information is input ("The content of Dialogues may be augmented at run-time by personalized, context dependent text generated at run-time by the Coach Agent.," para. [0339]), if according to the notified capability information the current context agent is capable of accepting the input information ("...For use as a Universal Adaptor, the present invention could be implemented as a "wrapper" or component for any entity, enabling it to converse with any other entity at whatever level is supported by their respective conversational capabilities...," para. [0786]), the dialog agent control part selects dialog the current context agent and transmits the input information to the current context agent to receive a response thereto ("...but rather a process by which devices can cooperatively seek, approach, and confirm a basis of shared information to enable their inter-operation....," para. [0788]), and if according to the notified capability information the current context agent is not capable of accepting the input information ("...determine the nature of the Autonomous Dialogue given by the Coach along with state and context information internal to the Imp Coach and in the SCD and LPD....," para. [0189]), the dialog agent control part selects a dialog agent that is not the current context agent and is capable of accepting the input information based upon the and transmits the input information to the selected dialog agent to receive a response thereto ("...Again, each of these services combines application-independent methods (e.g., responding to certain types of questions by navigating to an appropriate location) with application-specific information...," para. [0044]).

As to dependent **claim 2**, which depends from claim 1, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 1, wherein the dialog agent control part previously stores identification information of the dialog agents and selection priority of the dialog agents so that the identification information is associated with the selection priority ("...Expert system knowledge sources execute and modify specific objects in accordance with a temporal priority scheme..., " para. [0010]), refers to the dialog agents in a decreasing order of the selection priority when referring to the input information and the registered processing capability ("...The Teaching Script will determine which modules of the abstract logic are activated and in which order..., " para. [0188]), and transmits the input information to the first selected dialog agent to request a response to the input information ("...translating the customer's request into an effective query to the application-specific search engine..., " para. [0042]).

As to dependent **claim 3**, which depends from claim 2, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 2, wherein the dialog agent control part accumulates identification information of the dialog agent selected as a transmission destination of the input information, refers to the first stored dialog agent when selecting the subsequent dialog agent ("...Dialogue Templates, where the first template is intended for use the first time the Dialogue is executed and the second and third templates are used in order on subsequent executions, if any, and then repeated as necessary as controlled by run-time strategies in CAS..., " para. [0407]), in a case where the stored dialog agent is capable of processing the input information based upon the registered processing capability, transmits the input information to the stored dialog agent to request a response to the input information ("...locally stored SCO learning objects..., "

para. [0167]), and in a case where the stored dialog agent is not capable of processing the input information based upon the registered processing capability, refers to the dialog agents in a decreasing order of the selection priority ("...Expert system knowledge sources execute and modify specific objects in accordance with a temporal priority scheme...", para. [0010]).

As to dependent **claim 4**, which depends from claim 2, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 2, wherein the selection priority of the dialog agent is automatically updated in accordance with a use frequency of the dialog agent ("...For every Teaching Script Module within the current Teaching Script, the TSM\_ReUse property must be compared to the TSM\_Times\_Attempted of the Teaching Script in order to evaluate whether the module may be attempted by the Learner this time or whether its allowed number of reuses has been exceeded...", para. [0457]).

As to dependent **claim 5**, which depends from claim 3, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 3, wherein the selection priority of the dialog agent is automatically updated in accordance with a use frequency of the dialog agent ("...the Coach which will choose the 'first time' dialogue the first time any Learner arrives at this dialogue point and will alternate between the other alternatives for all subsequent times the dialogue point is reached by the Learner...", para. [0270]).

As to dependent **claim 6**, which depends from claim 2, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 2, wherein, in the dialog agent control part, the control agents to be referred to are narrowed in accordance with contents of the input information, and the narrowed dialog agents are referred to in a



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decreasing order of the selection priority ("...cmi.objectives.\_count The \_count keyword is used to determine the current number of records in the cmi.objectives list. The total number of entries is returned. If the SCO does not know the count of the cmi.objectives records, it can begin the current student count with 0. This would overwrite any information about objectives currently stored in the first index position. Overwriting or appending is a decision that is made by the SCO author when he/she creates the SCO....," para. [0818]).

As to dependent **claim 7**, which depends from claim 3, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 3, wherein, in the dialog agent control part, the control agents to be referred to are narrowed in accordance with contents of the input information, and the narrowed dialog agents are referred to in a decreasing order of the selection priority ("...The TGA view enables addition, deletion, and reordering of the goals in TGA\_Value. The TGA view desirably employs visual, direct manipulation GUI widgets to enable addition, deletion, and reordering of the goals in TGA\_Value....," para. [0620]).

As to dependent **claim 8**, which depends from claim 4, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 4, wherein, in the dialog agent control part, the control agents to be referred to are narrowed in accordance with contents of the input information ("...Additional integrations enable STOW applications to run within a third party LMS system as an atomic content object capable of communicating results from all its own Learning Objects ....," para. [0125]), and the narrowed dialog agents are referred to in a decreasing order of the selection priority ("...status variable values....," para. [0284]).

As to dependent **claim 9**, which depends from claim 1, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 1, wherein the dialog agent control part stores the identification information of the dialog agent determined to be available based upon the registered processing capability of the dialog agents ("...Complementary application-specific information may be provided to identify learning objects to be used in various circumstances and to provide dialogue for use with particular learning objects or in particular circumstances...", para. [0053]).

As to dependent **claim 10**, which depends from claim 2, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 2, wherein the dialog agent control part includes a user information input part for inputting information for identifying a user, stores input information for identifying the user and information on a state using the dialog agent including the selection priority on a user basis ("...whose values are used to control the internal processing of CAT or CAS...", para. [0090]), and performs processing in accordance with the selection priority on a user basis ("...User IDs and passwords as well as application independent information that STOW has gathered about learners, such as learning style and ...," para. [0089]).

As to dependent **claim 11**, which depends from claim 3, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 3, wherein the dialog agent control part includes a user information input part for inputting information for identifying a user, stores input information for identifying the user and information on a state using the dialog agent including the selection priority on a user basis, and performs processing in accordance with the selection priority on a user basis (".... The expert

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system of Bauman et al., however, does not provide an adaptive and personalized expert agent for mediating between the knowledge objects and the end user....," para. [0010]).

As to dependent **claim 12**, which depends from claim 4, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 4, wherein the dialog agent control part includes a user information input part for inputting information for identifying a user, stores input information for identifying the user and information on a state using the dialog agent including the selection priority on a user basis, and performs processing in accordance with the selection priority on a user basis ("...Internal agent state flags that indicate which Dialogue Templates and authored coach dialogue have previously been used ..., " para. [0273]).

As to dependent **claim 13**, which depends from claim 5, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 5, wherein the dialog agent control part includes a user information input part for inputting information for identifying a user, stores input information for identifying the user and information on a state using the dialog agent including the selection priority on a user basis, and performs processing in accordance with the selection priority on a user basis ("...along with control information directing the agent to run particular applications in particular interaction contexts....," para. [0018]).

As to dependent **claim 14**, which depends from claim 6, *Barbara Hayes-Roth et al.* further disclose(s): the dialog control system according to claim 6, wherein the dialog agent control part includes a user information input part for inputting information for identifying a user, stores input information for identifying the user and information on a

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state using the dialog agent including the selection priority on a user basis, and performs processing in accordance with the selection priority on a user basis ("...relevant references that should be displayed for selection vary according to DIA Type of the containing Dialogue and should correspond to the Dialogue semantics described herein; ..., " para. [0723]).

As to independent **claim 15**, this claim differs from claim 1 only in that it is directed to a process defined by the product of claim 1. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1, above.

As to independent **claim 16**, this claim differs from claim 15 only in that it is directed to a product defined by the process of claim 15. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 15, above.

#### **RESPONSE TO ARGUMENTS**

Applicant's arguments with respect to claim1-16 have been considered but are moot in view of the new ground(s) of rejection, above.

#### **CONCLUSION**

8. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samir Termanini/  
Examiner, Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179